IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 288 of 2006

SHAFI & ORS.
V/S
USMAN & ORS.

Mr. MS RAJPUROHIT, for the appellant / petitioner

Date of Order : 1.5.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

This writ petition has been filed against the order of the learned Sub-Divisional Officer, before whom a revenue suit was pending, and by the impugned order, the plaintiff's evidence has been closed. Apart from the fact that sufficient reasons have been given in the order for closing of evidence, learned counsel for the petitioner despite being repeatedly asked, has not been able to give out, as to when issues were framed, and how many opportunities were already given to the petitioner for leading his evidence before passing the impugned order closing his evidence.

Likewise, In my view, in the hierarchy, SDO Court is not a Court sub-ordinate to the High Court within the meaning of Section 115 CPC, and in such trial matters, remedy of writ petition is in the nature of supervisory jurisdiction requiring to be exercised qua the sub-ordinate

Courts only.

In my view, writ against the interlocutory order of the SDO Court trying a revenue suit is, therefore, not required to be entertained by this Court.

The writ petition is, therefore, dismissed summarily.

(N P GUPTA),J.

/tarun/